

Chang

8 February 1979

MEMORANDUM FOR THE RECORD

FROM: [REDACTED]

Staff, SECOM

SUBJECT: Security Procedures for the Foreign Intelligence
Surveillance Court

1. I accompanied [REDACTED] OGC and [REDACTED] O/SA/DCI/CI to the Department of Justice on 7 February 1979 to discuss the above subject. Representing Justice were Mr. John Michael Kelley, Counselor to the Attorney General, Mr. Frederick Baron, Assistant to the Attorney General, and Mr. Allan Kornblum. (Justice had previously prepared a draft set of security procedures on this subject, designed to implement the requirements of Public Law 95-511 which specifies that records of this court "shall be maintained under security procedures established by the Chief Justice in consultation with the Attorney General and the Director of Central Intelligence.")

2. [REDACTED] provided the Justice representatives copies of a revised draft I had prepared in the interests of more sharply articulating security procedures to be applied by the court. Messrs. Kelley and Baron argued at length against having the security functions for the court performed by someone drawn from the Executive Branch (e.g., a detailee from CIA or Justice). They contended that such would prejudice the appearance of independence for the court, and would likely provoke adverse Congressional reaction. They seemed unconcerned that the Congress had already acknowledged the acceptability of such an arrangement by the language of the Conference Report - "The conferees also agree that the security measures to be established by the Chief Justice... may also include the use of secure premises provided by the executive branch to hear an application and the employment of executive branch personnel to provide clerical and administrative assistance." Kelley and Baron also dwelt on how light they expected the duties of court administrative personnel to be, and stated that they had a woman in the Attorney General's office who was such a capable secretary that she should be well able to support the court in the

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multiple capacities of security officer, clerk of the court and secretary to the judge. They said, in light of their earlier comments on use of executive branch personnel, that she would have to become a full-time employee of the Administrative Office of the United States Courts.

STAT 3. [] restated our wish that the security for the court be provided by an experienced officer from the executive branch. The subject was dropped then, with an understanding that Justice would provide us a revised draft for comment.

4. Other topics discussed included preferred means of identifying necessary security procedures in the draft. Alternatives raised included incorporation by reference, attachment of specific DCID's as appendices, and summarization of DCI security objectives in the body of the Chief Justice approved procedures. Another that we raised was to have the security procedures specify that the premises used by the court were to be those security facilities available in the Department of Justice. (Chief Justice Burger had spoken in favor of this at his earlier meeting with the Attorney General and the DCI). The Justice representatives said they preferred such not be specified, again on the grounds that it might raise political complications.

5. The meeting concluded with the Justice representatives agreeing to study our inputs and provide us with a revised draft.

[]
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DCI Security Committee

Attachments:

Justice draft of proposed security procedures
[] draft revision
[] summary points on Justice draft

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cc: []

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